

REMARKS/ARGUMENTS

Reconsideration of the application is respectfully requested. Claims 1-16 are pending in the present invention. No new matter has been added to the application in this response. Support may, for example, be found on page 4, lines 30-31; page 5, lines 5-7, page 7, lines 30-31; page 8, lines 1-10; page 8, lines 29-31; page 9, lines 1-19, 25-28; and page 10, lines 1-20.

1. Rejection of Claims 1-5, 9-10 and 12-16 under 35 USC § 102(e).

Claims 1-5, 9-10 and 12-16 were rejected under 35 USC § 102(e) as being anticipated by Choi. This rejection is respectfully traversed.

a. The Requisite Steps of Independent Claim 1 Are Neither Taught Nor Suggested in the Cited Art.

The amended claim 1 now requires, among other things, that a provisioning manager obtains the stored information from the database and chooses a download method and configuration parameter values based on the stored information, forming a message comprising the update information on the basis of the stored information and the provisioning manager downloading the formed message to the mobile device. It is submitted that the above steps are completely missing in the Choi reference and the other cited

Choi merely discloses a method for interacting with  
online/offline games using a mobile terminal. The mobile  
terminal downloads a game that is executable in an offline  
5 mode. A mobile game server has a memory for storing number  
information of the mobile terminal and resultant game score  
corresponding to the number information (see for example  
paragraph 0011). The mobile game server receives update  
information from the mobile terminal and stores the resultant  
10 game score contained in the update information in the memory  
(see paragraph 0037). Upon receiving a command for  
downloading the resultant game score in the mobile game server  
from the user, the mobile terminal accesses the mobile game  
server and downloads the resultant game score stored in the  
15 memory of the mobile game server (see paragraph 0038).

Choi and the other cited references completely fail  
to teach or suggest the step of storing terminal capabilities  
of the mobile device in the network. In Choi, the mobile game  
server merely stores the number of the mobile terminal which  
20 is quite different from storing the capabilities of the  
terminal. More importantly, the cited references also fail to  
teach the step of the provisioning manager choosing a download  
method and configuration parameter values based on the stored  
information. In Choi, the mobile game server does not take  
25 the capabilities of the mobile terminal into consideration at  
all when downloading. It is submitted that Choi teaches

nothing about choosing the download method and configuration parameter values based on the stored information that relate to the thermal capabilities of the mobile device. In contrast, Choi merely seeks the number information of the mobile terminal in its memory to find the resultant game score before downloading the score and sending it to the mobile terminal. There is nothing in Choi about selecting the download method and configuration parameter values based on the stored information. Applicants fail to see how Choi could select the download method and configuration parameter values based on the resultant game score (stored information). Also, Choi does not teach a provision manager since the mobile terminal accesses the memory directly. It should be noted that the stored information is quite different from the update information in the present invention in that the stored information relate to the terminal capabilities or settings such as protocol and screen capabilities while the update information relate to something quite different such as a new terminal, ring tones or new games. In contrast, the update information in Choi refers to the new game score and the stored information also refers to the previously stored resultant game score. Choi fails to teach or suggest the steps of the amended claim 1 and would require extensive modifications that are not taught or suggested in the cited references.

Therefore, the rejection of claim 1 under § 102(e)

is improper, and should be removed.

b. Dependent Claims 2-5 and 9-10

Because dependent claims 2-5 and 9-10 depend from  
5 the allowable independent claim 1, and as detailed above,  
their rejections are now moot. However, claims 2-5 and 9-10  
also recite additional characteristics that are not found in  
the cited art. Applicants respectfully requests the Examiner  
to more specifically point out where Choi shows ALL the  
10 limitations of the dependent claims particularly the claims  
that include the word "include."

c. Independent claim 12

The amended claim 12 is submitted to be allowable for the  
15 same reasons as those put forth for the allowability of the  
amended claim 1, as shown above. More particularly, it is  
submitted that Choi and the other cited references fail to  
teach or suggest a provisioning manager having means for  
choosing a download method and configuration parameter values  
20 based on the stored information, means for forming a message  
comprising the update information to be sent to the mobile  
devices on the basis of the stored information, and  
the provisioning manager having means for downloading the  
formed message to the mobile devices, as required by the  
25 amended claim 12.

Therefore, the rejection of claim 12 under § 102(e)

is improper, and should be removed.

d. Dependent Claims 13-16

Because dependent claims 13-16 depend from the  
5 allowable independent claim 12, and as detailed above, their  
rejection is now moot. However, claims 13-16 also recite  
additional characteristics that are not found in the cited  
art.

10 2. Rejection of Claim 6 under 35 USC § 103(a).

Claim 6 was rejected under Section 103 as being  
obvious over Choi in view of Andreakis. This § 103 rejection  
is respectfully traversed. Because dependent claim 6 depends  
from the allowable independent claim 1, and as detailed above,  
15 its rejection is now moot. However, claim 6 also recites  
additional characteristics that are not found in the cited  
art.

3. Rejection of Claim 7-8 and 11 under 35 USC § 103(a).

20 Claim 7-8 and 11 were rejected under Section 103 as  
being obvious over Choi in view of Koskimies. This § 103  
rejection is respectfully traversed. Because dependent claims  
7-8 and 11 depend from the allowable independent claim 1, and  
as detailed above, their rejection is now moot. However,  
25 claims 7-8 and 11 also recite additional characteristics that  
are not found in the cited art.

4. Conclusion

Based on the foregoing, Applicants respectfully  
request that the various grounds for rejection in the Office  
5 Action be reconsidered and withdrawn with respect to the  
previously amended form of the claims, and that a Notice of  
Allowance be issued for the present application to pass to  
issuance.

In the event any further matters remain at issue with respect to the present application, Applicants respectfully request that the Examiner please contact the undersigned below at the telephone number indicated in order to discuss such matter prior to the next action on the merits of this application.

Respectfully submitted,

FASTH LAW OFFICES

/rfasth/

Rolf Fasth

Registration No. 36,999

Attorney Docket Number: 502.1257USN

FASTH LAW OFFICES

26 Pinecrest Plaza, Suite 2  
Southern Pines, NC 28387-4301

Telephone: (910) 687-0001

Facsimile: (910) 295-2152